
CITY PLANNING COMMISSION AGENDA

ITEM: B

STAFF: RYAN TEFERTILLER

FILE NO:
CPC CU 05-00150 – QUASI-JUDICIAL

PROJECT: HAYNES KARATE CORPORATION

APPLICANT: HAYNES KARATE CORP.

OWNER: JAY HAYNES

PROJECT DESCRIPTION / SUMMARY:

This application was submitted to comply with a decision by the State of Colorado's Division of Child Care that the existing Karate Studio also serves as a daycare center. This determination was based on the fact that the Karate Studio runs an after-school program where local youth take karate lessons as well as participate in other recreational activities for hours at a time. Due to the age of the children and the length of time that they are under the Studio's supervision the State determined that a daycare license is required. Before a State license can be obtained, the applicant must obtain local zoning compliance through the approval of a Conditional Use permit for a Daycare Center in the Planned Business Center (PBC) zoning district. The subject site consists of 3.4 acres located on the southwestern corner of North Carefree and Oro Blanco; the Karate Studio, at 4747 N. Carefree Circle, consists of two tenant spaces within the center totaling 4,800 sq. ft. **Refer to Figure 1.**

The existing shopping center currently has a Conditional Use permit for a daycare center in one of the adjacent units (CPC CU 96-47). This existing conditional use permit is specific to a specific address and tenant space identified on the conditional use plan. A new application and conditional use development plan specifically identifying the proposed unit was required for this application.

STAFF'S RECOMMENDATIONS:

ITEM B: CPC CU 05-00150 – CONDITIONAL USE

Approve the Haynes Karate Corporation conditional use permit based on the findings that the conditional use request complies with the three (3) criteria for granting of conditional use permits as set forth in Chapter 7, Article 5, Section 704. **Refer to Figure 2.**

This recommendation for approval is subject to compliance with the changes to the Haynes Karate Corporation development plan as set forth in the **Technical and Informational Modifications to Conditional Use Development Plan** portion (page 17) of the CPC agenda.

BACKGROUND PROJECT INFORMATION:

Existing Zoning/Land Use: PBC/NP/shopping center. **Refer to Figure 3.**

Surrounding Zoning/Land Use:

- North – PUD/NP / multi-family residential
- South – R-1-6000 / single-family residential
- East – R-5/CR/NP, PBC/CR/NP / church, retail
- West – R-5/NP / single-family residential

Annexation: Larson Addition (February, 1970)

Subdivision: Lots 1 and 2, Block 1, Oro Blanco Place Shopping Complex Subdivision

Zoning Enforcement Action: Some of the other tenants within the complex have been sited for sign ordinance infractions; the Karate Studio has no enforcement history.

Master Plan: The Village Seven master plan shows this area as PBC-1.

Physical Characteristics: Developed shopping center.

DEPARTMENTAL REPORTS:

The initial department review comments for the application is included in the City Planning review letter dated July 19th, 2005, **refer to Figure 4**. Planning Staff has met with the applicant and/or other departments regarding their concerns. The concerns have been or will be addressed in the revised plans and/or will be addressed as a condition of approval, as specified herein.

PETITIONER'S JUSTIFICATION: Refer to Figure 5.

STAKEHOLDER PROCESS:

The standard City notification and posting process was used. All applicable City agencies and departments were asked to review and comment. Prior to the City Planning Commission hearing, the site will be posted and mail notifications sent again.

ANALYSIS OF MAJOR ISSUES:

CONFORMANCE WITH CITY COMPREHENSIVE PLAN:

Comprehensive Plan 2020 Land Use Map: General Residential.

Comprehensive Plan Goals, Objectives, and Policies:

Strategy LU203a: Locate the Places that People Use for Their Daily Needs and Activities Close to Each Other: Group and link the places used for living, working, shopping, schooling, and recreating and make them accessible by transit, bicycle, and foot, as well as by car.

Strategy LU203b: Concentrate and Mix Uses: Concentrate and mix activities and uses in and around defined centers in order to create more diversity and synergy between uses, combine destinations, support more effective transit service, and provide viable pedestrian and bicycle access and circulation.

Objective LU 7: Develop Shopping and Service Areas to be Convenient to Use and Compatible with Their Surroundings: Colorado Springs has numerous commercial areas that provide the necessary goods and services for visitors and regional, community, and neighborhood residents. The location and design of these areas not only has a profound effect on the financial success of commercial businesses, but also on the quality of life for the residents. Regardless of whether a commercial development is intended to serve neighborhood, community, citywide, or regional functions, it must be located and designed to balance pedestrian, bicycle, automobile, and, in many cases, transit access. In addition, the location and design of commercial uses must be integrated into surrounding areas, rather than altering the character of surrounding land uses and neighborhoods. Incorporating a mix of uses will increase the diversity and vitality of commercial areas.

Strategy LU702c: Support and Encourage the Evolution of Existing Commercial Areas into Activity Centers: Support and encourage the evolution and transformation over time of existing commercial areas from their exclusive auto orientation and single use functions into activity centers with mixed uses, pedestrian and transit orientation, and better relationships to the surrounding residential areas.

It is the finding of the City Planning Staff that the Haynes Karate Corporation conditional use permit application substantially conforms to the City Comprehensive Plan 2020 Land Use Map and the Plan's goals, objectives and policies.

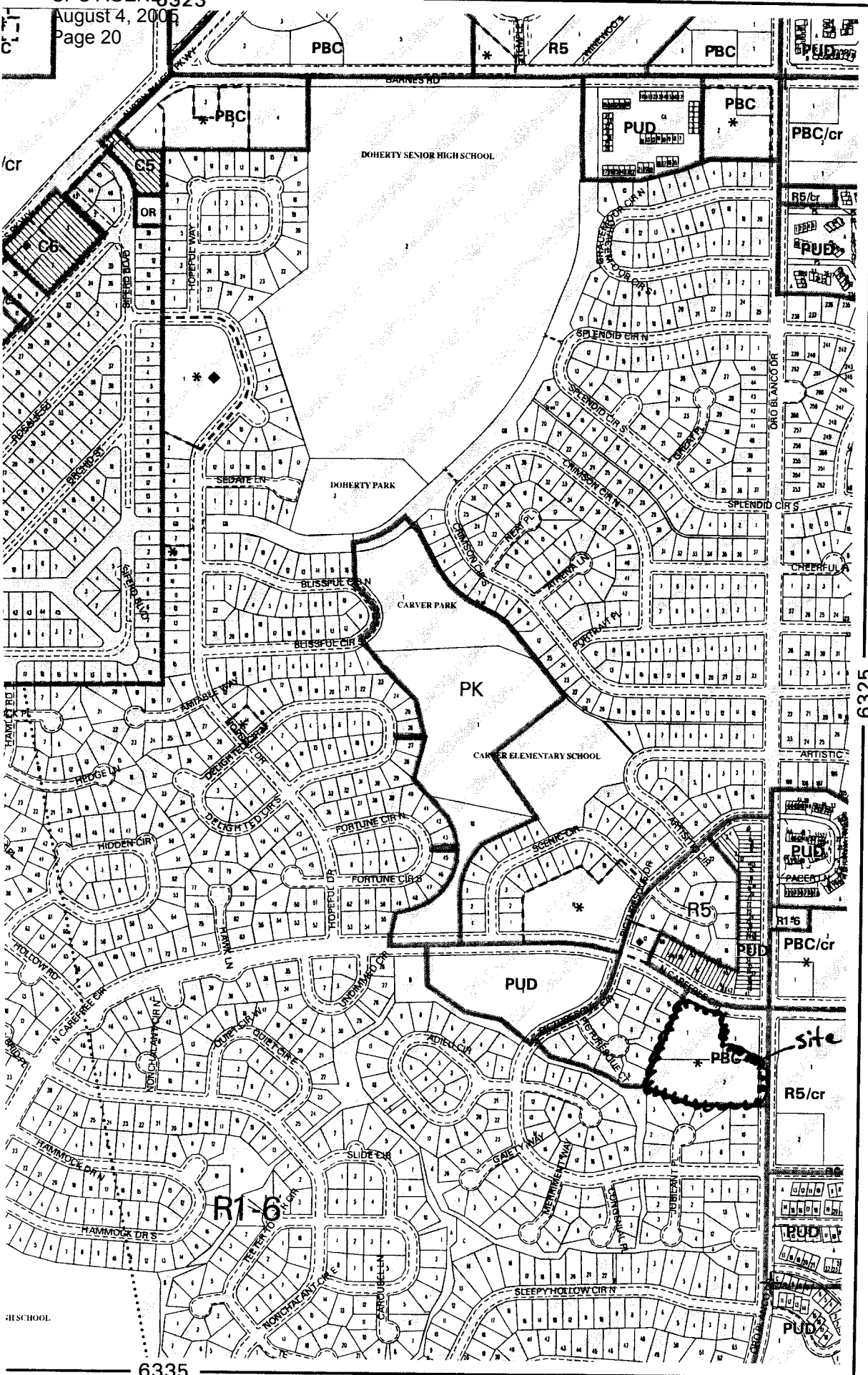
CONDITIONAL USE REVIEW CRITERIA: In accordance with City Zoning Code Chapter 7, Article 5, Section 704, a conditional use application and development plan must meet the following criteria found in said section:

1. Surrounding Neighborhood: That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured.
2. Intent Of Zoning Code: That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare.
3. Comprehensive Plan: That the conditional use is consistent with the Comprehensive Plan of the City.

It is the finding of the Planning Staff that the Haynes Karate Corporation conditional use permit application will be in substantial compliance with the conditional use criteria and development plan requirements, if the plan is modified as follows:

Technical and Informational Modifications to the Conditional Use Development Plan:

1. Correct the Legal Description listed on the plan to read "Lots 1 and 2, Block 1, Oro Blanco Place Shopping Complex Subdivision."
 2. Include the tax schedule number for the property on the plans.
 3. Correct the zoning label for the property to the south to read "R-1-6000/NP"
 4. Correct all surrounding zoning labels to indicate the presence of the NP overlay.
-



- A Agricultural
- APD Airport Planned Development
- C5 Intermediate Business
- C6 General Business
- M1 Light Industrial
- M2 Heavy Industrial
- OC Office Complex
- OR Office Residential
- PBC Planned Business Center
- PCR Planned Cultural Resort
- PF Public Facilities
- PIP1 Planned Industrial Park No. 1
- PIP2 Planned Industrial Park No. 2
- PK Public Park
- PUD Planned Unit Development
- R Single-Family Residential - Estate
- R1-6 Single-Family Residential - 6,000 sq. ft.
- R1-9 Single-Family Residential - 9,000 sq. ft.
- R2 Two-Family Residential

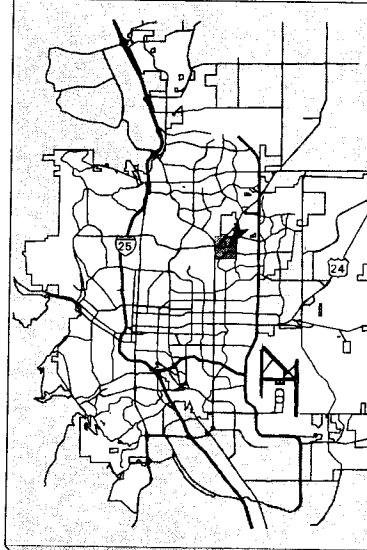


FIGURE 3



CITY OF COLORADO SPRINGS

July 19, 2005

Haynes Karate Corp.
4747 N. Carefree Circle
Colorado Springs, CO 80917
Attn: Jay Haynes

Re: CPC CU 05-150
Conditional Use Permit for a Day Care Center in the PBC Zoning District

Dear Mr. Haynes,

Your request for the review of the Conditional Use application for the existing karate studio has been completed by the necessary City Departments. This letter is to inform you of the following concerns from the Development Review Division as well as all other reviewing agencies and departments. The comments below must be addressed and revised to our satisfaction prior to getting final approval from the City.

Planning Department Review:

1) General Modifications

- A. Correct the Legal Description listed on the plan to read "Lots 1 and 2, Block 1, Oro Blanco Place Shopping Complex Subdivision."
- B. Correct the zoning label for the property to the south to read "R-1-6000/NP"
- C. Correct all surrounding zoning labels to indicate the presence of the NP overlay.

Landscape Review – Ron Bevans

1. The site must be in compliance with the most recently approved Landscape Plan.

Colorado Springs Utilities, Gas/Electric – Bill Davis

Action Items:

No action items – recommend approval

Informational Items:

1. Applicant must grant easements or utility rights-of-way as required for any existing and/or proposed facilities; and all proposed improvements and structures shall not encroach upon any utility easement.

FIGURE 4

2. If it is necessary to relocate or alter any existing facilities, then the relocation or alteration of these facilities shall be at the Applicant's expense, and if required, Applicant shall grant an easement for such facilities.
3. All utility service plans and installation shall be in accordance with City Codes and Ordinances and the Utilities' tariffs and line extension service standards (<http://www.csu.org/business/development/standards/index.html>). Any proposed electric (or gas) service connection to the Utilities' distribution system shall be tied to the electric energy supply and transmission, substation, and distribution facilities (or gas distribution facilities) available at the time of the proposed construction.
4. All proposed improvements, structures and trees must not be located over or within 3 feet of any underground utility facilities and shall not violate any provision of the National Electric Safety Code (NESC) or any applicable Natural Gas Codes or Policies of the Utilities.
5. All proposed improvements, structures and trees shall not be located under any overhead utility facilities and shall not violate clearances specified by the NESC.
6. All proposed improvements, structures and trees shall not impair access or the ability to install, maintain, repair, replace, or inspect utility facilities.
7. The landscaping shall be designed to provide the required access clearances for utility facilities, to allow continuous access for utility equipment, and to minimize conflicts with utility facilities.
8. Any proposed gas service line pressures in excess of the Utilities' pressure must be approved by the Utilities prior to construction. Please contact Utilities' Field Engineering for elevated pressure requests (North Work Center at 668-4985 or South Work Center at 668-5564).

Fire Prevention – Steve Smith

See attached Fire Prevention document.

Enumerations – Karen Rostvold

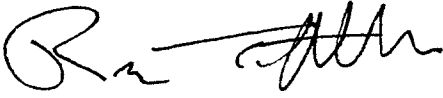
The plan needs to indicate the updated legal description. It should be Lot 2, Block 1, Oro Blanco Place Shopping Complex Sub. The tax schedule number should be included also.

Please address the comments and make the corrections that are listed above. Those informational or "standard" comments (i.e. CSU Gas/Electric, and Fire Prevention) do not need direct responses at this time. **A detailed letter needs to accompany the revisions. The letter must address each and every point raised in this review letter. If any department requires a revision to the plan you will need to provide verification from that department that their concerns have been satisfied. Contact the various departments directly to address their concerns.**

When all comments have been addressed and corrections made, please submit two (2) copies of the revised plan. The plan should be folded (8 ½ X 14) with the lower right hand corner exposed. In the lower right hand corner please place the file number.

Please note that failure to submit revised plans/reports/information within 180 days will result in your application being formally withdrawn from consideration. Once withdrawn, any subsequent resubmittal will require the filing of a new application and payment of application fees.

If you have questions about these, or any other issues, please don't hesitate to contact me.

A handwritten signature in black ink, appearing to read 'Ryan Tefertiller', written in a cursive style.

Ryan Tefertiller, Planner II
Phone: 719-385-5382
Email: rtefertiller@springsgov.com

C: File Number CPC CU 05-150

Enclosure: Fire Prevention Comments

**COLORADO SPRINGS FIRE PREVENTION
PLAN REVIEW REPORT**

Tax Id: 6326417076

DSN: CPC CU 05-150

Project Description: Daycare Center, 4747 North Carefree Circle, (Family Karate Center). Proposing to add a day care use to this existing building/tenant.

Business Name: DAYCARE

Address: 04747 CAREFREE CR N,

Plan Id: 20050765-DV-1

Plan Description: CONDITIONAL USE

Plan Status: Recommend Approval

Contractor: HAYNES KARATE CORPORATION

Review Status: RECOMMEND APPROVAL

Plan Reviewer: Smith, Steven D

Review Date: 7/8/2005

Status

Comment
This project is: Daycare Center, 4747 North Carefree Circle, (Family Karate Center). Proposing to add a day care use to this existing building/tenant.

FYI

Attention Inspector

FIRE LANE LOCATIONS GENERAL: Where required, fire apparatus access roads shall be marked with approved signs or striping as required below:

1. On both sides of fire department access roads less than twenty-eight feet (28') wide.

2. On one side of fire department access roads with widths of twenty-eight feet (28') or more but less than thirty-four feet (34'). Fire lane markings shall be on the same side of the road as fire hydrant placement.

3. No signage is required for access roads thirty-four feet (34') or more in width.

(2003 IFC 601.6 as amended)

Fire lane markings shall be updated/maintained throughout the property for this new use.

Attention

CHANGE OF USE/OCCUPANCY: It appears that this project is a change of use or occupancy for this building. As such, the building must meet the current adopted fire codes for its new use/occupancy. Additionally, a new certificate of occupancy must be obtained for the new use/occupancy.

FYI

WIDTH: Fire apparatus access roads shall have an unobstructed width of not less than 20-feet except for approved security gates. (2003 IFC 603.2.1)

FYI

FIRE LANE MARKING: Where applicable, approved signs and/or striping shall be provided for fire apparatus to identify such road or prohibit the obstruction thereof. and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

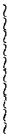
SIGNS

Shall read "NO PARKING FIRE LANE" and shall be twelve inches (12") wide and eighteen inches (18") high with a companion sign twelve inches (12") wide and six high reading "TOW AWAY ZONE." Signs shall be painted on a white background with letters and borders in red, using not less than two-inch (2") lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be seven feet (7'-0") above finished grade. The face of the sign shall be angled towards oncoming traffic at forth-five degrees (45°). Signs shall be placed at the beginning and end of the fire lane and spaced not more than two hundred feet (200') along the length of the fire lane. Signs may be installed on permanent buildings or walls or as approved.

STRIPING

As an alternative to signs, fire apparatus access roads may be marked by painting lines of red traffic paint six inches (6") in width to show the boundaries of the fire lane. The words "NO PARKING FIRE LANE" shall appear in four inch (4") white reflective letters at 25 feet intervals on the red border along both sides of the fire lane. Curbs are available, the striping shall be on the vertical face of the curb. Striping is only permitted along private apparatus access roads.

(2003 IFC 503.3 and 503.6 as amended)



FYI

OBSTRUCTED FIRE LANES: Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles and construction equipment or materials. The minimum widths and clearances shall be maintained at all times. (2003 IFC 503.4)



FYI

LOADING: Fire apparatus access roads shall be designed, constructed and maintained to support the imposed loads of fire apparatus weighing at least 75,000lbs. with a minimum single axle weight of 27,000lbs. (2003 IFC 503.2.3 and D102.1 as amended)



FYI

SURFACE: Fire apparatus access roads shall be surfaced so as to provide all-weather driving capabilities by means of asphalt, concrete or other approved driving surfaces. Gravel roads or other alternatives may be acceptable, however, PE stamped engineered specifications for such alternatives, showing that the loading specifications and all weather surface capabilities have been met or exceeded must be submitted to our office for review. (2003 IFC 503.2.3)



FYI

TURNING RADIUS: All fire apparatus access roads are to provide a minimum of 33-foot inside and 48-foot outside turning radius. (2003 IFC 503.2.4)





June 15, 2005

Haynes Karate Corp. (DBA Family Karate Center) Project Statement

Description

Conditional use zoning approval to acquire a Child Care License through the State of Colorado's Division of Child Care.

Justification

There will be no adverse effects of this action.

Issue List

A potential concern was the need for an outdoor play area space. This has been resolved with the Division of Child Care by the use of a nearby fully compliant park and is therefore no longer an issue.

FIGURE 5